



#31

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:	
November 11, 2002 Date	 Gina N. Shishima

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Zhang et al.

Serial No.: 09/413,109

Filed: October 6, 1999

For: METHODS FOR THE  
ADMINISTRATION OF ADENOVIRUS  
p53 (As Amended)

Group Art Unit: 1636

Examiner: Guzo, David

Atty. Dkt. No.: INRP:087

RECEIVED  
NOV 20 2002  
TECH CENTER 1600/2900

REMARKS PURSUANT TO 37 C.F.R. §1.114(C)

Commissioner for Patents  
Washington, D.C. 20231

Commissioner:

This paper is submitted pursuant to 37 C.F.R. §1.114(c) along with a Request for Continued Examination (RCE).

It is believed that no fee is due for this filing; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/INRP:087.

Reconsideration of the application is respectfully requested.

### REMARKS

A Notice of Allowance was sent out in this case on August 13, 2002. In a related case, Application No. 08/459,713 ("the '713 application"), claims were rejected under an obviousness-type double patenting rejection based on claims in the present case. Because the '713 application is a pre-GATT case, Applicants would prefer it issue prior to the current case. Accordingly, Applicants are filing this RCE to render the obviousness-type double patenting rejection provisional such that it can be subsequently withdrawn.

### CONCLUSION

The Examiner is invited to contact the undersigned attorney at (512) 536-3081 with any questions or comments.

Respectfully submitted,



Gina N. Shishima  
Reg. No. 45,104  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-3081  
(512) 536-4598 (facsimile)

Date: November 11, 2002